

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BOARD OF TRUSTEES, SHEET METAL)
WORKERS' NATIONAL PENSION FUND,)
)
Plaintiff,)
)
v.)
)
SUN-AIR SHEET METAL, INC.,)
)
Defendant.)

Civil Action No. 1:22-cv-1143

ORDER

On May 5, 2023, United States Magistrate Judge William E. Fitzpatrick entered the Report and Recommendation (the "Report") in this case, recommending that default judgment be entered in favor of Plaintiff Board of Trustees, Sheet Metal Workers' National Pension Fund and against Defendant Sun-Air Sheet Metal, Inc.

Upon consideration of the record and Judge Fitzpatrick's Report, to which no objections have been filed, and having found no clear error,¹

The Court **ADOPTS**, as its own, the findings of fact and recommendations of the United States Magistrate Judge, as set forth in the Report (Dkt. 15).

Accordingly,

It is hereby **ORDERED** that plaintiffs' motion for default judgment (Dkt. 8) is **GRANTED**.

¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a magistrate's report, the court "need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'").


It is further **ORDERED** that **DEFAULT JUDGMENT** be entered in favor of Plaintiff and against Defendant on the Complaint.

It is further **ORDERED** that default judgment is entered against Defendant and in favor of Plaintiff in an amount of \$478,341.84, which consists of (i) \$382,022.59 in unpaid principal of withdrawal liability; (ii) \$16,696.45 in interest calculated at the rate of 0.0205% per day, compounded daily, on all late payments (through January 13, 2023); (iii) \$76,404.52 in liquidated damages equal to 20% of the delinquent withdrawal liability; and (iv) \$3,218.28 in attorneys' fees and costs.

The Clerk of the Court is directed to enter Rule 58 judgment against Defendant and in favor of Plaintiff in an amount of \$478,341.84, which consists of (i) \$382,022.59 in unpaid principal of withdrawal liability; (ii) \$16,696.45 in interest calculated at the rate of 0.0205% per day, compounded daily, on all late payments (through January 13, 2023); (iii) \$76,404.52 in liquidated damages equal to 20% of the delinquent withdrawal liability; and (iv) \$3,218.28 in attorneys' fees and costs.

The Clerk is further directed to provide a copy of this Order to all counsel of record, to Defendant's last known address of record, and to place this matter among the ended causes.

Alexandria, Virginia
June 22, 2023



/s/ T. S. Ellis, III
United States District Judge